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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 977,589	10 13 2001	Isang-Mou Yu	UPA-01208	2757

33804 7590 05 21 2003
SUPREME PATENT SERVICES
POST OFFICE BOX 2339
SARATOGA, CA 95070

EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 05 21 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,589

Examiner

Anatoly Vortman

Applicant(s)

YU, TSUNG-MOU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. The submission of the amendment filed on 04/19/03 is acknowledged. At this point claims 1 and 3 have been amended. Claims 1-3 are pending in the instant application.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "current overrides" (p. 2, line 5 of the amendment); "when the current overrides, the bimetal plate 170 is deformed" (p. 2, last line of the amendment), etc. Please note, that "current overrides" is not a proper technical or language terms to describe the overload (overcurrent) condition in electrical device. The proper term for example would be: "under overload condition" or "during the overcurrent situation (condition)", etc. The Examiner would like to reiterate that the only some of unclear, inexact or verbose terms have been mentioned above. Careful revision of entire specification is required in order to correct all deficiencies.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/5539371 to Yu.

Regarding claim 1, Yu disclosed a precisely identical switch structure (Fig. 4) as claimed in claim 1 of the instant application, including a E-shaped connection member (14) with the upper and lower (140) recesses, wherein the lower recess (140) is adapted to accommodate an end of a bimetal plate (7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu ('371) in view of US/6,072,381 to Yu.

Regarding claim 2, Yu ('371) disclosed all of the claim limitations as apply to claim 1, but did not disclose two ribs to accommodate the bimetallic plate.

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Yu ('381) disclosed a thermal switch (Fig. 3a), wherein the bimetallic plate (31) is extending between two ribs extending from an inside of switch casing.

Since both inventions of Yu are from the same field of endeavor (bimetallic thermal switches), the purpose of the ribs disclosed by Yu ('381) would be recognized in the invention of Yu ('371).

It would have been obvious to a person of ordinary skill in the thermal switch art at the time the invention was made to supplement said switch of Yu ('371) with two ribs as taught by Yu ('381), in order to provide said switch of Yu ('371) with the "seesaw" switching characteristic (Yu ('381), column 1, lines 44+).

Regarding claim 3, Yu ('371) disclosed all of the claim limitations as apply to claim 1, but did not disclose a U-shaped bimetal plate with two legs and a tongue.

Yu ('381) disclosed (Fig. 3b) a U-shaped bimetal plate of precisely identical design as the bimetal plate of the present invention, including two legs and a tongue.

Since both inventions of Yu are from the same field of endeavor (bimetallic thermal switches), the purpose of the U-shaped bimetal plate having two legs and a tongue disclosed by Yu ('381) would be recognized in the invention of Yu ('371).

It would have been obvious to a person of ordinary skill in the thermal switch art at the time the invention was made to substitute the bimetal plate (170) of Yu ('371) with the bimetal plate as taught by Yu ('381) in order to enhance the snap-action characteristics of the Yu ('371) switch (Yu ('381), column 1, lines 57+; column 2, lines 1+).

Response to Arguments

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7. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman
Primary Examiner
Art Unit 2835

A.V.
May 19, 2003

A. Velle